

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BPS DIRECT, LLC, AND
CABELA'S, LLC, WIRETAPPING**

: MDL 3074
:
:
: E.D.Pa. ACTION NOS.:
: 23-md-3074
: 22-cv-4709
: 23-cv-2282
: 23-cv-2287
: 23-cv-2293
: 23-cv-2294
: 23-cv-2295
: 23-cv-2306
: 23-cv-2338

ORDER

AND NOW, this 5th day of July 2023, upon noting limited compliance with our June 20, 2023 Order (ECF Doc. No. 3) in the MDL master docket and copied into each individual docket concerning counsels' appearances, mindful of counsels' obligations including those due tomorrow under our June 20, 2023 Order (ECF Doc. No. 4), and for good cause given our modified leave in admission procedures when filed before June 30, 2023 and now needing to ensure parties are represented by counsel (or individuals acting pro se), it is **ORDERED**:

1. The Clerk of Court shall terminate the present representation in this District of an attorney who has not, before **Noon EST** on or before **July 6, 2023**, moved for admission consistent with our June 20, 2023 Order (ECF Doc. No. 4) including paying the *pro hac vice* fees required in our District (through the filing event for *pro hac vice* fees found in the other documents filing category) including, under our initial review:
 - a. No. 23-2287: Attorneys Nelson, Swigart, Shay and Straus have not moved for admission;

b. No. 23-2282: Attorneys Gudmunson, Alexander, Laird, Tack, Binder, and Guglielmo have not paid the fee and Attorney Remy has not moved for admission;

c. No. 23-2295: Attorneys Bleichner, Krzeski, Yiatras, Scott, and El-Zein have not moved for admission and Attorneys Riebel, Baxter-Kauf, and Berg have not paid the fee;

d. No. 23-2306: Attorneys Flynn, Straus, and Wahl have not moved for admission and Attorney Gibson has not paid the fee;

e. No. 23-2338: Attorney Convery has not moved for admission;

2. Attorney Leffler, as a member of the Bar of this Court representing the entity Defendants in two matters and it appearing her law firm represents the Defendants in the remaining matters, shall **today** email her law firm colleagues (who entered appearances in the transferor Districts but not here) attaching this Order and notifying them as to their obligations under this Order if they wish to continue representing the Defendants with her in the case;

3. Counsel for Brian Calvert and Heather Cornell shall, on or before **July 6, 2023**, file a Notice either withdrawing or **showing cause** in memoranda not exceeding three pages as to why we should not deny Motions to stay (ECF Doc. No. 19 in No. 23-2293 and ECF Doc. No. 11 in No. 23-2294) as moot following the approval of Stipulations for extension and the Panel's transfer of these matters; and,

4. Counsel for all parties in Nos. 23-2282, 23-2294, 23-2306, and 23-2338 shall, on or before **July 10, 2023**, file the fulsome disclosure statements required by Federal Rule of Civil Procedure 7.1(a)(2).¹



KEARNEY, J.

¹ Effective December 1, 2022, Federal Rule of Civil Procedure 7.1(a)(2) requires all parties in an action in which jurisdiction is based on diversity under 28 U.S.C. § 1332(a) file a disclosure statement identifying the citizenship of every individual or entity whose citizenship is attributed to that party or intervenor. Counsel can find this District's standard form on the Court's website (<http://www.paed.uscourts.gov/documents/handbook/forms/disclctzn.pdf>).